

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

Plaintiff,

v.

GOLDMAN SACHS & CO., a New
York limited partnership,

and

J.P. MORGAN SECURITIES INC., a
Delaware corporation,

Defendants,

and

KANA SOFTWARE, INC., a Delaware
corporation, formerly known as KANA
COMMUNICATIONS, INC.,

Nominal Defendant.

NO. C07-1578 JLR

**PLAINTIFF'S NOTICE OF
DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this
action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the

PLAINTIFF'S NOTICE OF DISMISSAL – 1
No. C07-1578 JLR

GORDON TILDEN THOMAS & CORDELL LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec.*
2
3 (*USA*) *LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund*
4
5 *Actions*, 479 F.2d 257, 267 (1st Cir.1973)), and without prejudice as to all other
6
7 issues.
8

9
10 DATED this 11th day of June, 2012.

11
12 **GORDON TILDEN THOMAS & CORDELL LLP**
13 Attorneys for Plaintiff

14
15 By s/Mark Wilner

16 Jeffrey I. Tilden, WSBA #12219
17 Mark Wilner, WSBA #31550
18 1001 Fourth Avenue, Suite 4000
19 Seattle, Washington 98154
20 Telephone: (206) 467-6477
21 Facsimile: (206) 467-6292
22 Email: jtilden@gordontilden.com
23 Email: mwilner@gordontilden.com
24

25
26 **KELLER ROHRBACK L.L.P.**
27 Attorneys for Plaintiff

28
29 By s/Ian S. Birk

30 William C. Smart, WSBA #8192
31 Ian S. Birk, WSBA #31431
32 1201 Third Avenue, Suite 3200
33 Seattle, WA 98101
34 Telephone: (206) 623-1900
35 Facsimile: (206) 467-6292
36 Email: wsmart@kellerrohrback.com
37 Email: ibirk@kellerrohrback.com
38
39
40
41
42
43
44
45

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

**Counsel for Nominal Defendant
Kana Software, Inc.:**

John H. Chun, WSBA # 24767
Denise L. Ashbaugh, WSBA # 28512
SUMMIT LAW GROUP PLLC
E-Mail: johnc@summitlaw.com
denisea@summitlaw.com
Emmett C. Stanton*
Jay Pomerantz*
Christopher S. Walton*
FENWICK & WEST, LLP
Email:
estanton@fenwick.com
jpomerantz@fenwick.com
cwalton@fenwick.com

**Admitted Pro Hac Vice*

**Counsel for Defendant Goldman
Sachs Group Inc.:**

Gandolfo V. DiBlasi*
Penny Shane*
David M.D. Rein*
Matthew Peller*
SULLIVAN & CROMWELL LLP
E-Mail: diblasig@sullcrom.com
shanep@sullcrom.com
reind@sullcrom.com
Pellerm@sullcrom.com

**Admitted Pro Hac Vice*

**Counsel for Defendant J.P. Morgan
Securities Inc.:**

David W. Ichel*
Joseph M. McLaughlin*
Jeffery Coviello*
SIMPSON, THACHER & BARTLETT
LLP
E-Mail: dichel@stblaw.com
jmclaughlin@stblaw.com
jcoviello@stblaw.com
**Admitted Pro Hac Vice*

**Counsel for Defendants Goldman
Sachs & Co. and J.P. Morgan
Securities, Inc. :**

Christopher B. Wells
LANE POWELL PC
E-Mail: wells@lanepowell.com

s/Mark Wilner

Mark Wilner, WSBA # 31550